

THE HONORABLE KYMBERLY K. EVANSON

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

LUIGI MARRUSO,

Plaintiff,

v.

ROBERT W. MONSTER, an individual,
EPIK INC., a Washington corporation, and
MASTERBUCKS LLC, a Wyoming
limited liability company,

Defendants.

Case No.: 2:24-cv-01455-KKE

**PLAINTIFF'S SUPPLEMENTAL
MEMORANDUM REGARDING
SERVICE ON MASTERBUCKS
LLC**

**PLAINTIFF'S SUPPLEMENTAL MEMORANDUM REGARDING
SERVICE ON MASTERBUCKS LLC**

Plaintiff respectfully submits this supplemental memorandum pursuant to the Court's April 2, 2025 Order ("Order") seeking additional evidence and legal authority establishing that service on Defendant Masterbucks LLC was proper under Federal Rule of Civil Procedure 4 (ECF 19, p. 1).

PLAINTIFF'S REQUEST FOR
ENTRY OF DEFAULT
CASE NO. 2:24-CV-01455 - 1

Revision Legal,
PLLC
8051 Moorsbridge
Rd.
Portage, MI 49024
(269) 281-3908

Ranallo Law Office
5058 57th Ave. S.
Seattle, WA 98118
(831) 607-9229

FACTS

Plaintiff filed his Complaint in this action on September 12, 2024, alleging claims arising out of a fraudulent escrow scheme operated jointly by Defendants Robert W. Monster (“Monster”), Epik Inc. (“Epik”), and Masterbucks, LLC (“Masterbucks”). (ECF 1). As set forth in the Complaint, Masterbucks is a Wyoming limited liability company that, at all relevant times, operated in close coordination with Epik and was beneficially owned and operated by Monster. Plaintiff alleged that Monster was the driving force behind both Epik and Masterbucks and used the entities interchangeably to misappropriate funds under the guise of providing online escrow services. (ECF 1, pp. 2–3).

On September 25, 2024, Plaintiff personally served Robert W. Monster with the summons and Complaint. (ECF 7). At the time of service, Masterbucks did not have a registered agent on file with the Washington Secretary of State. As the Court has noted in its April 2, 2025 Order for Supplemental Briefing, “records from the Washington Secretary of State and Wyoming Secretary of State show that Masterbucks was administratively dissolved in November 2023 and that Northwest Registered Agent Service resigned as the registered agent as of January 2024.” (ECF 19, p 1).

Plaintiff moved for entry of default against all defendants, including Masterbucks, but the Court requested additional evidence demonstrating that service on Monster was legally sufficient under Rule 4 of the Federal Rules of Civil Procedure. (ECF 19, p. 2). This supplemental memorandum is submitted in response to that Order.

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LAW AND ARGUMENT

Plaintiff personally served Robert Monster, the sole member of Masterbucks, on September 25, 2024. This method of service is valid under both avenues permitted by Rule 4(h)(1), which governs service on corporations and unincorporated associations such as limited liability companies.

Fed. R. Civ. P. 4(h)(1) authorizes service on a domestic business entity “in the manner prescribed by Rule 4(e)(1) for serving an individual,” or “by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and—if the agent is one authorized by statute and the statute so requires—by also mailing a copy of each to the defendant.” Fed R. Civ. P. 4(e)(1) allows service on an individual within the United States by “following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made.”

Under Washington law, service on an LLC may be made by serving its registered agent, or, if none exists, by “handing a copy to the individual in charge of any regular place of business or activity of the entity if the individual served is not a plaintiff in the action.” See RCW 23.95.450.

A. Plaintiff properly served Masterbucks, LLC under Fed. R. Civ. P. 4(h)(1)(B)

Plaintiff properly served Masterbucks, LLC where Rule 4(h)(1)(B) permits service by “delivering a copy of the summons and complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process” and where Plaintiff served Robert Monster personally. (ECF 7). As the sole member of Masterbucks, Monster is its managing agent. Plaintiff’s Complaint specifically alleges that “Masterbucks is beneficially

owned and operated by Monster” and that Masterbucks and Epik operated in tandem under Monster’s direction (ECF 1, pp. 2–3). These allegations are substantiated by records from the Washington Secretary of State, which identify Epik Holdings, Inc. as the sole governor of Masterbucks, LLC, and Robert Monster as the governor and registered agent of Epik. **Exhibit A**, Masterbucks Records, Washington;¹ **Exhibit B**, Epik Records.² The overlap in management and control underscores that Monster is the person most responsible for the direction of Masterbucks (and Epik) and its only known member, manager, or agent, as pled in Plaintiff’s Complaint. (ECF 1, pp. 2–3). The two entities and one individual are the only three defendants in this case, and as well-detailed in Plaintiff’s Complaint, they are all essentially Monster himself. (ECF 1, pp 2-6).

B. Plaintiff properly served Masterbucks, LLC under Fed. R. Civ. P. 4(h)(1)(A) and RCW 23.95.450.

Plaintiff also properly served Masterbucks, LLC under Fed. R. Civ. P. 4(h)(1)(A) and RCW 23.95.450 where Masterbucks had no registered agent at the time of service. As noted by this Court in its Order, Northwest Registered Agent resigned as Masterbucks, LLC’s registered agent in January 2024. (ECF 19, p 1). By personally serving Masterbucks, LLC’s only “individual in charge of any regular place of business or activity of the entity,” Robert Monster, who is “not a plaintiff in this action,” Plaintiff properly served Masterbucks, LLC under Washington law. See RCW 23.95.450.

¹ Available at

https://ccfs.sos.wa.gov/?_gl=1*1alcobm*_ga*NTAwOTkzODc4LjE3NDQzODMwMjQ.*_ga_7B08VE04WV*MTc0NDM4MzAyNC4xLjEuMTc0NDM4MzAzNS4wLjAuMA..#/BusinessSearch/BusinessInformation.

² Available at

https://ccfs.sos.wa.gov/?_gl=1*1alcobm*_ga*NTAwOTkzODc4LjE3NDQzODMwMjQ.*_ga_7B08VE04WV*MTc0NDM4MzAyNC4xLjEuMTc0NDM4MzAzNS4wLjAuMA..#/BusinessSearch/BusinessInformation

Furthermore, Plaintiff properly filed proof of personal service on Monster with the Court. (ECF 7). The proof of service confirms that on September 25, 2024, the process server personally delivered the summons and complaint to Monster. (ECF 7). Personal service on Monster is more than reasonably calculated to give actual notice to Masterbucks; it ensured actual notice in the most direct manner possible under the circumstances. *C.f. Direct Mail Specialists, Inc. v. Eclat Computerized Tech., Inc.*, 840 F.2d 685, 688 (9th Cir. 1988) (noting rules relating to service of process are “flexible rule[s] that should be liberally construed so long as a party receives sufficient notice of the complaint” (internal citations and quotations omitted)).

Accordingly, service on Masterbucks was valid under both Rule 4(h)(1)(A) and (B). The LLC had no registered agent, and its sole member and managing agent—the person in charge of the entity and its activities—was personally served. That is sufficient under both federal and Washington law.

Respectfully submitted,

/s/ Nicholas Ranallo
 Nicholas Ranallo
 Washington Bar No. 51439
 5058 57th Ave. S.
 Seattle, WA 98118
nick@ranallolawoffice.com
 (831) 607-9229

/s/ Eric Misterovich
 Eric Misterovich (P73422)
Pro Hac Vice Forthcoming
 Revision Legal, PLLC
 8051 Moorsbridge Rd.
 Portage, MI 49024
 269.281.3908

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 PLLC
 8051 Moorsbridge
 Rd.
 Portage, MI 49024
 (269) 281-3908

Ranallo Law Office
 5058 57th Ave. S.
 Seattle, WA 98118
 (831) 607-9229

eric@revisionlegal.com

PLAINTIFF'S REQUEST FOR
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PLLC
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Portage, MI 49024
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Seattle, WA 98118
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Exhibit A

BUSINESS INFORMATION

Business Name:

MASTERBUCKS LLC

UBI Number:

604 970 941

Business Type:

FOREIGN LIMITED LIABILITY COMPANY

Business Status:

TERMINATED

Principal Office Street Address:

522 W RIVERSIDE AVE STE N, SPOKANE, WA, 99201-0580, UNITED STATES

Principal Office Mailing Address:

522 W RIVERSIDE AVE STE N, SPOKANE, WA, 99201-0580, UNITED STATES

Expiration Date:

09/30/2023

Jurisdiction:

UNITED STATES, WYOMING

Formation/ Registration Date:

09/15/2022

Period of Duration:

PERPETUAL

Inactive Date:

01/03/2024

Nature of Business:

ANY LAWFUL PURPOSE

REGISTERED AGENT INFORMATION

Registered Agent Name:

Street Address:

Mailing Address:

GOVERNORS

Title	Governors Type	Entity Name	First Name	Last Name
GOVERNOR	ENTITY	EPIK HOLDINGS INC		

Exhibit B

BUSINESS INFORMATION

Business Name:

EPIK INC.

UBI Number:

602 401 092

Business Type:

WA PROFIT CORPORATION

Business Status:

ADMINISTRATIVELY DISSOLVED

Principal Office Street Address:

3832 234TH AVE SE, SAMMAMISH, WA, 98075-6310, UNITED STATES

Principal Office Mailing Address:

3832 234TH AVE SE, SAMMAMISH, WA, 98075-6310, UNITED STATES

Expiration Date:

06/30/2024

Jurisdiction:

UNITED STATES, WASHINGTON

Formation/ Registration Date:

06/11/2004

Period of Duration:

PERPETUAL

Inactive Date:

11/03/2024

Nature of Business:

OTHER SERVICES

REGISTERED AGENT INFORMATION

Registered Agent Name:

ROBERT MONSTER

Street Address:

3832 234TH AVE SE, SAMMAMISH, WA, 98075-6310, UNITED STATES

Mailing Address:

3832 234TH AVE SE, SAMMAMISH, WA, 98075-6310, UNITED STATES

GOVERNORS

Title	Governors Type	Entity Name	First Name	Last Name
GOVERNOR	INDIVIDUAL		ROBERT	MONSTER